

The U.S. Department of Defense supported this proposition. It will allow Guantanamo to return to its role as an important part of our hemispheric security. It will not serve as a magnet for future buildup and diversion from its military use. It will stop almost \$1 million a day of expenditure that we have been making at Guantanamo.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, there were some difficult decisions that had to be made around that core judgment. The result of the series of decisions will be: First that there will be no increase of total Cuban immigration into the United States, legal Cuban immigration, beyond that to which the United States was already committed.

Second, that immigration will now come from two streams, partially from Havana and partially from those persons who are at Guantanamo.

Third, the American people will be assured that only people from either place—Havana or Guantanamo—who will enter the United States will be those who meet our standards for entry.

Fourth, steps have been taken to demagnetize Guantanamo for further population buildup.

Within that policy, the American principle of recognition of political asylum and provision for those persons who seek freedom to make the case that they are seeking freedom out of the basis of a legitimate fear of political persecution will be maintained. They will be afforded that opportunity. The Attorney General outlined in summary form today what those steps will be.

So, Mr. President, I appreciate the leadership which the President has taken in making a difficult decision. I believe this Senate should appreciate the fact that he has responded to our request for leadership on this matter; that the U.S. Department of Defense will now be able to return its personnel and facilities to their intended purpose of security of the United States; and that we will be able to say that our policy of respecting human rights, and particularly respecting the rights of those claiming political asylum, will be maintained.

They are difficult choices, but in my judgment, choices that had to be made.

The PRESIDING OFFICER. The Senator from North Carolina.

MOTION TO RECONSIDER VOTE ON AMENDMENT
NO. 603

Mr. HELMS. Mr. President, was a motion to reconsider the vote on amendment No. 603 made?

The PRESIDING OFFICER. The motion was not made.

Mr. HELMS. I make such a motion and I move to table the motion.

The motion to lay on the table was agreed to.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent I may speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF DR. HENRY FOSTER

Mr. SPECTER. Mr. President, I have sought recognition to urge the Senate to consider the nomination of Dr. Henry Foster to be Surgeon General, to consider that nomination ultimately on the Senate floor. I urge that this be done for two reasons: First, out of basic fairness to Dr. Foster and, second, as an important sign that men and women can place themselves up for nomination for important positions without fear of being, in effect, railroaded out of town without having an opportunity for their positions and their cases and their records to be heard.

This morning, Dr. Foster testified before the Committee on Labor and Human Resources and the preliminary reports are that Dr. Foster has been an impressive witness on his own behalf. After Dr. Foster's name was submitted for the position of Surgeon General, I met with him extensively to discuss his record, after having reviewed his educational record, his record as a practicing physician, the work that he had done against teenage pregnancy, the work he had done for poor people, and the work he had done in a community context.

Let us strip away the facade, Mr. President. What has really occurred on Dr. Foster's nomination is an objection to his having performed abortions, and it seems to me that when Dr. Foster has performed abortions, however many, a medical procedure permitted by the U.S. Constitution, that ought not to be a reason for his disqualification.

Before any other consideration had arisen as to issues about performing hysterectomies or an issue about syphilis in studies of African-Americans or the question about how many abortions he had performed, there was an immediate cry that Dr. Foster was disqualified because he had performed abortions.

I think that is totally inappropriate, that is just wrong, to disqualify a nominee for Surgeon General because that person has performed a medical procedure which is permitted by the U.S. Constitution.

With respect to the issue of how many abortions he had performed and what information had come from the White House—and it appears at one point the White House made a representation of only one abortion; that was not what Dr. Foster had represented—that ought not to be held against him and ought not to be a smokescreen or a red herring for saying that he is disqualified. Whatever

Dr. Foster has said about the number of abortions, that ought to be a question for the full Senate to consider. And whatever the contentions are about the performance of hysterectomies or about the syphilis testing on African Americans, that again is a question for consideration by the full Senate.

Now, I know, Mr. President, there have been statements by some that they are going to filibuster the nomination. Well, if they choose to filibuster the nomination, so be it. Let us have it out on the Senate floor. And there are some who say that if the nomination is voted out by committee, and it is not brought to the floor, they are going to tie up the Senate. I do not think we need those kinds of threats for the Senate to consider its business and decide whether Dr. Henry Foster is qualified to be Surgeon General.

It is my hope that the committee will report Dr. Foster to the floor for consideration by the Senate, and that can be done in a variety of ways. It can be done on an affirmative vote by a majority saying he is qualified, it could be done on a vote by the committee saying that he ought to be considered without recommendation, or it can even be done if the committee votes Dr. Foster down, as we have had with nominees. Judge Bork was voted down by the committee but it was voted to the Senate floor. Or Judge Thomas, later Justice Thomas, was a tie vote in the committee and was voted to the Senate floor.

It seems to me, in fairness to Dr. Foster, he ought to be considered by the full Senate, and in fairness to the system where we are asking people to come to Washington under very difficult circumstances as a matter of precedent somebody ought not to be, in effect, railroaded out of town without having the Senate consider his nomination.

So as this matter is being considered today by the committee, I wanted to make these comments because the core question here, Mr. President, stripped away from all the subterfuge, stripped away from all the smoke, stripped away from all the red herrings is whether Dr. Foster ought to be disqualified for performing abortions, however many, a medical procedure authorized by the U.S. Constitution. I think the Senate ought to face up to that squarely. If the balance of the testimony shows qualification, as I think it will, based upon my examination of the record and my detailed conversations with Dr. Foster in questioning of him, then I think he ought to be confirmed.

I thank the Chair and yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.